

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ALIN MUSE, an individual,

Plaintiff,

v.

HUNTLEIGH USA CORPORATION, a foreign
corporation; RICHARD SPORN, an individual;
DIANE GALFORD, an individual,

Defendants.

Case No. 2:16-cv-00357-RSL

**ORDER GRANTING PLAINTIFF'S
MOTION FOR AWARD OF
ATTORNEY'S FEES AND EXPENSES**

WHEREAS, Plaintiff has submitted authority and evidence supporting his Motion for Award of Attorney's Fees and Expenses; and

WHEREAS, the Court, having considered the pleadings on file and being fully advised, finds that good cause exists for entry of the Order below; now, therefore,

IT IS HEREBY FOUND, ORDERED, ADJUDGED, AND DECREED THAT:

1. Unless otherwise provided herein, all capitalized terms in this Order shall have the same meaning as set forth in the Plaintiff's Motion for Attorney's Fees and Expenses.

2. The Court having appointed Badgley Mullins Turner, PLLC and the Law Offices of Daniel Whitmore as Class Counsel.

1 3. Class Counsel has requested the Court calculate their award using the percentage-
2 of-the-fund method. Class Counsel request the Court award 15% of the common fund as
3 attorney's fees and expenses (\$172,000.00.)

4 4. These requested attorney's fees are fair and reasonable under RCW 49.48.030 and
5 the Ordinance ("SeaTac Municipal Code Chapter 7.45") based on the percentage-of-the-fund
6 method. The Court reaches this conclusion after analyzing: (1) the results Class Counsel
7 achieved; (2) Class Counsel's risk in this litigation; (3) the complexity of the issues presented;
8 (4) the hours Class Counsel worked on the case; (5) Class Counsel's hourly rate; (6) the
9 contingent nature of the fee; and (7) awards made in similar cases.

10 5. Class Counsel has submitted authority and declarations to support the Court's
11 lodestar cross-check.

12 6. Class Counsel reasonably expended more than one-hundred twenty hours on the
13 investigation, preparation, filing, and settlement of Plaintiff's Claims. Their detailed time records
14 are based on contemporaneous records of hours worked. Class Counsel exercised billing
15 judgment and billed efficiently.

16 7. Class Counsel's hourly rates - \$565.00 for Duncan Turner, \$495.00 for Daniel
17 Whitmore, and \$310.00 for Mark Trivett – are reasonable hourly rates considering their
18 individual "experience, skill, and reputation," *see Trevino v. Gates*, 99 F.3d 911, 924 (9th Cir.
19 1996) and the prevailing market rates in this jurisdiction. *See Blum v. Stenson*, 465 U.S. 886, 895
20 (1984).

21 8. Applying these rates to the number of hours reasonable expended in litigation,
22 Class Counsel's lodestar is approximately \$73,350.50. This lodestar reflects work and expenses
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1 that was reasonable and necessarily expended on the pursuing Plaintiffs' claims and that are
2 estimated to occur in concluding the case.

3 9. Based on the risk Class Counsel faced in litigating the certified questions and the
4 quality of the work they performed, this Court finds a lodestar multiplier of approximately 2.3 is
5 fair and reasonable.

6 10. A lodestar multiplier is appropriate in this case based on the risk factor. See
7 *Carlson v. Lake Chelan Cmty. Hosp.*, 116 Wn. App. 718, 742-43, 75 P.3d 533 (2003) (affirming
8 application of 1.5 multiplier to lodestar); *Vizcaino v. Microsoft Corp.*, 290 F.3d 1043, 1052-54
9 (9th Cir. 2002) (approving multiplier of 3.65); *Steiner v. Am. Broad. Co.*, 248 Fed. Appx. 780,
10 783 (9th Cir. 2007) (approving multiplier of 6.85), *Craft v. Cnty. of San Bernardino*, 624 F.
11 Supp. 2d 1113, 1125 (C.D. Cal. 2008) (approving multiplier of 5.2 and stating, "there is ample
12 authority for such awards resulting in multipliers in this range or higher." Here, Plaintiffs
13 pursued the action under a remedial Washington employment statute and a local minimum wage
14 ordinance. Class Counsel pursued this action on a contingency fee basis and assumed the risk
15 that if they were unsuccessful, they would receive no compensation for their work on the
16 certified questions or settlement negotiations. This action involved novel and unresolved legal
17 issues, and thus, the potential existed for a long and protracted litigation as the Court addressed
18 its complexities.
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21 11. Here, Plaintiffs pursued the action under a remedial Washington employment
22 statute and a local minimum wage ordinance. Class Counsel pursued this action on a contingency
23 fee basis and assumed the risk that if they were unsuccessful, they would receive no
24 compensation for their work on the certified questions or settlement negotiations. This action
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1 was one of the first to seek recovery of wages owed under the Ordinance, and thus, the potential
2 existed for a long and protracted litigation as the Court addressed novel legal issues.

3 12. Class Counsel performed high-quality work, resulting in an extremely favorable
4 collective settlement for Class Members. Class Members recovered nearly all of their owed
5 wages arising under the Ordinance. This is an excellent result for the Class.

6 13. Defendant agreed to pay One Million One Hundred and Fifty Dollars and Zero
7 Cents (\$1,150,000.00) to the Class Members, inclusive of any attorney's fees and costs. The
8 litigation expenses and settlement notice and administration fees and costs incurred by Class
9 Counsel were reasonable, necessary, and appropriately documented in the declarations filed by
10 Class Counsel.
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12 14. This Court also awards \$1,000.00 to the Plaintiff as an incentive award.

13 15. Based on the foregoing findings and analysis, the Court awards Class Counsel
14 \$172,000.00 in attorney's fees.

15 **IT IS SO ORDERED.**

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17 Dated this 22nd day of February, 2018.

18 
19 **Honorable Robert S. Lasnik**

20 PRESENTED BY:

21 BADGLEY MULLINS TURNER PLLC

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